

Remarks

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes, and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 59, 66 and 77 are currently being amended. Accordingly, claims 59-77 remain pending in the current application.

Claim Rejections under 35 U.S.C. §103(a)

The Examiner rejected claims 59, 61-66, 68, 70-75 and 77 under 35 U.S.C. §103(a) as being unpatentable in view of the cited prior art. Claims 59, 66, and 77 are currently being amended.

Claim 59

Amended claim 59 recites an “a conduit integrally formed with a sidewall.” This limitation is neither taught nor suggested by the prior art cited by the Examiner.

Neither U.S. Patent No. 4,549,554 to Markham (hereinafter “Markham”) nor U.S. Patent No. 4,207,870 to Eldridge (hereinafter “Eldridge”) teaches or suggests a conduit integrally formed with a side wall.

Further Applicants respectfully disagree with the Examiner’s assertion that Eldridge teaches or suggests an interior opening into a specimen collection volume proximate to one side wall whereby sample material entering the specimen collection volume collects against an opposite side wall when the hub is positioned in a horizontal position. For example, Markham shows a central opening 20 in the bottom wall while Eldridge shows an interior opening in the bottom wall as shown by porous plug 42 and not a side wall. Additionally, neither of these references teaches or suggests a collection volume configured to receive a sample that is

separated from the interior opening both when the device is positioned in a horizontal position and when the device is positioned in a vertical position.

Accordingly, the references cited by the Examiner do not teach or suggest all of the limitations of claim 59. Independent claims 68 and 77 include limitations similar to the above described limitations of claim 59. Reconsideration and allowance of these claims is respectfully requested.


Claims 60-67 depend from claim 59 and include all of the limitations thereof. Claim 69-76 depend from claim 68 and include all of the limitations thereof. These claims are allowable for at least the same reasons as the independent claims from which they depend. Reconsideration allowance of claims 60-67 and 69-76 is respectfully requested.

Conclusion

Applicant believes that the present application is in a condition for allowance. Applicant appreciates consideration of the above remarks and invites that the Examiner to telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,

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By 
Michael S. Brayer
Reg. No. 51,495
Attorney for Applicant
BOYLE FREDRICKSON, S.C.
840 N. Plankinton Ave.
Milwaukee WI 53203
(414) 225-6305